

ARTICLE 7-13

MEAT INSPECTION

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CHAPTER 7-13-01 GENERAL INFORMATION

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7-13-01-01. History. The first law providing inspection of meat slaughtering and processing facilities was enacted in 1951 as the standards for meat inspection, sanitation, and distribution under North Dakota Century Code chapter 36-23 (S.B. No. 201; S.L. 1951, ch. 223). In 1969, the existing meat inspection program was repealed because of disorganization caused by the lack of inspector training, inconsistency, and lack of guidance in the regulations (S.B. No. 251; S.L. 1969, ch. 322, § 10). It was immediately replaced by the North Dakota Meat Inspection Act under North Dakota Century Code chapter 36-23.1 (S.B. No. 251; S.L. 1969, ch. 322, §§ 1-8). This Act made the United States department of agriculture the only agency in North Dakota providing carcass inspection and inspection for meat slaughtering and processing facilities. North Dakota Century Code chapter 36-23.1 was repealed in 1991 (H.B. No. 1478; S.L. 1991, ch. 377, § 3).

In 1999, House Bill No. 1290 created a state meat inspection program, giving the North Dakota department of agriculture the authority to make rules and implement inspection of meat slaughtering and processing establishments, including custom-exempt plants. The intent of the program is to allow small and medium livestock producers more opportunities to market their animal products and to provide a means for processing alternative or nontraditional livestock. In 2003, Senate Bill No. 2220 added poultry to the program, creating a state meat and poultry inspection program.

History: Effective August 1, 2000; amended effective January 1, 2004.

General Authority: NDCC 36-24-24

Law Implemented: NDCC 36-24-24

7-13-01-02. Inquiries. All inquiries regarding the state meat inspection program should be directed to:

North Dakota Department of Agriculture
Director - Meat Inspection Program
600 East Boulevard Avenue, Dept. 602
Bismarck, ND 58505-0020
Telephone: 701-328-2231
Facsimile: 701-328-4567
E-mail: ndda@state.nd.us

History: Effective August 1, 2000.

General Authority: NDCC 36-24-24

Law Implemented: NDCC 36-24-24

7-13-01-03. Federal law. All federal meat and poultry inspection regulations effective as of August 1, 2003, as provided under title 9, Code of Federal Regulations, parts 301-320, 325, 329, 381, 391, 416-417, 424, 441, and 500, but excluding parts 307.5 and 381.38, are incorporated by reference and made a part of this title.

History: Effective August 1, 2000; amended effective January 1, 2004.

General Authority: NDCC 36-24-24

Law Implemented: NDCC 36-24-18, 36-24-24

7-13-01-04. Definitions. The terms used throughout this article have the same meaning as in title 9, Code of Federal Regulations, parts 301 and 381, unless already defined in North Dakota Century Code section 36-24-01, in which case the North Dakota Century Code definitions shall govern. In addition, as used in this chapter or in applying title 9, Code of Federal Regulations, parts 301 and 381:

1. "Administrator" as the term is used in title 9, Code of Federal Regulations, means the North Dakota agriculture commissioner unless made inappropriate by context.
2. "Commissioner" means the North Dakota agriculture commissioner or the agriculture commissioner's authorized representative.
3. "Department" means the North Dakota department of agriculture.
4. "Federal Act" means the Federal Meat Inspection Act, as amended [Pub. L. 90-201; 21 U.S.C. 601 et seq.] and the Poultry Products Inspection Act, as amended [Pub. L. 106-170; 21 U.S.C. 451 et seq.].
5. "Food safety inspection service" or "FSIS" as used in title 9, Code of Federal Regulations, means the North Dakota agriculture commissioner unless made inappropriate by context.

6. "Official establishment" means a plant, facility, operation, or premises where animals are slaughtered for human consumption, or a plant or premises where meat or meat food products are processed, but does not include:
 - a. Establishments subject to federal inspection.
 - b. Premises of a person who is the owner of the animals to be slaughtered or of carcasses to be processed, and the resulting product is for exclusive use by that person, members of that person's household, or that person's nonpaying guests and employees.
7. "Overtime" means any time when meat inspection personnel are requested to work in an establishment, as follows:
 - a. Saturday or Sunday.
 - b. New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day. If any such holiday falls on Saturday or Sunday, the preceding Friday or succeeding Monday, respectively, shall be a holiday.
 - c. The day before Christmas Day and the day before New Year's Day.
 - d. Before 6 a.m. or after 6 p.m.
 - e. In excess of forty hours of "straight time" in any calendar week.
 - f. At any time other than a regularly scheduled slaughter period.
 - g. When an owner of an animal requests slaughter inspection from an official establishment at a nonregularly scheduled time.

"Overtime" does not include time spent traveling to or from an establishment.
8. "Secretary" or "secretary of agriculture" as used in title 9, Code of Federal Regulations, means the North Dakota agriculture commissioner unless made inappropriate by context.

History: Effective August 1, 2000; amended effective January 1, 2004.

General Authority: NDCC 36-24-24

Law Implemented: NDCC 36-24-24

7-13-01-05. Access authorization. In addition to the access requirements under North Dakota Century Code section 36-24-03, the commissioner and any

authorized representative shall have access to establishments where carcasses are stored or processed or where animals are slaughtered.

History: Effective August 1, 2000.

General Authority: NDCC 36-24-18, 36-24-24

Law Implemented: NDCC 36-24-03, 36-24-14